

EXHIBIT B

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

CORY SPENCER, an individual; DIANA)
MILENA REED, an individual; and)
COASTAL PROTECTION RANGERS, INC., a)
California non-profit public benefit)
corporation,) Case No.
) 2:16-cv-02129-SJO-RAO
Plaintiffs,)
)
vs.)
)
LUNADA BAY BOYS, et al.,)
)
Defendants.)
)

VIDEOTAPED DEPOSITION OF DIANA MILENA REED
VOLUME II
Santa Monica, California
Tuesday, October 25, 2016

REPORTED BY:
Jimmy S. Rodriguez
CSR No. 13464

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)
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_____)

Videotaped deposition of DIANA MILENA REED, Volume II,
taken before Jimmy Rodriguez, a Certified Shorthand
Reporter for the State of California, with principal
office in the County of Orange, commencing at 9:24 a.m.,
Tuesday, October 25, 2016 at Premier Business Centers -
The Water Garden, 2425 Olympic Boulevard, Suite 4000,
Santa Monica, California.

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Also Present:

JAMES KORALEK, Videographer

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1 Tuesday, October 25, 2016, 9:24 a.m.
2 Santa Monica, California
3 09:20
4 THE VIDEOGRAPHER: Good morning, we are on 09:24
5 the record at 9:24 a.m. on October 25th, 2016. This 09:24
6 is the video recorded deposition of Diana Milena 09:24
7 Reed, Volume 2. My name is James Koralek here with 09:24
8 our court reporter, Jimmy Rodriguez, we are here 09:24
9 from Veritext Legal Solutions by the request of the 09:24
10 defendant. 09:25
11 This deposition is being held at Premier 09:25
12 Business Center, 2425 Olympic Boulevard, Suite 4000, 09:25
13 in Santa Monica, 90404. The caption of the case is 09:25
14 Spencer, et al., versus Lunada Bay Boys, et al. 09:25
15 Case number 2:16-CV-02129-SJO-RAO. 09:25
16 Please note that audio and video recording 09:25
17 will take place unless all parties agree to go off 09:25
18 the record. 09:25
19 Microphones are sensitive and may pick up 09:25
20 whispers and private conversations and cellular 09:25
21 interference. I'm not authorized to administer an 09:25
22 oath, I'm not related to any party in this action, 09:25
23 nor am I financially interested in the outcome in 09:25
24 any way. 09:25
25 If there are any objections to proceeding, 09:25

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1 please state them at the time of your appearance 09:26
2 beginning with the noticing attorney. 09:26
3 09:26
4 EXAMINATION 09:26
5 BY MS. HEWITT: 09:26
6 Q Ms. Reed, do you understand that you're 09:26
7 still under oath today? 09:26
8 A Yes. 09:26
9 MS. HEWITT: All right. Let's get a quick 09:26
10 rundown of who's here today. 09:26
11 Antoinette Hewitt for the City and for 09:26
12 Chief Kepley. 09:26
13 MR. DIEFFENBACH: Richard Dieffenbach for 09:26
14 Brant Blakeman, defendant. 09:26
15 MS. VU: Jackie Vu for Defendant Sang Lee. 09:26
16 MS. LUTZ: Tera Lutz for Defendant 09:26
17 Sang Lee. 09:26
18 MR. FIELDS: Mark Fields for Angelo 09:26
19 Ferrara and NF. 09:26
20 MR. HAVEN: Peter Haven for Michael 09:26
21 Papayans. 09:26
22 MR. CAREY: Pat Carey for Defendant Alan 09:26
23 Johnston. 09:26
24 MR. FRANKLIN: Kurt Franklin on behalf of 09:26
25 Diana Milena Reed and the other plaintiffs in this 09:26

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1 other people in there including Jen, do you recall 09:35
2 Jen? 09:35
3 A Yes, which date are we referring to? 09:36
4 Q February 13th. 09:36
5 A Okay. 09:36
6 Q All right? 09:36
7 I think you told me yesterday that you 09:36
8 wanted to call the police but that you got no cell 09:36
9 signal; is that correct? 09:36
10 A Hmm-mm. 09:36
11 Q Yes? 09:36
12 A Yes. 09:36
13 Q Why were you trying to call the police? 09:36
14 A I wanted to call the police because I was, 09:36
15 you know, I felt threatened and scared and I mean, I 09:36
16 felt like anything could happen. I was extremely 09:36
17 uncomfortable in the situation. 09:36
18 Q If you had gotten through to the police, 09:36
19 what did you intend to tell them? 09:36
20 A I just intended to tell them, you know, 09:36
21 what had happened. 09:36
22 Q Were you going to ask for help? 09:36
23 A Yes. 09:36
24 Q What kind of help would you ask for? 09:36
25 A For them to -- to come down to the fort 09:36

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1 | didn't tell him? 09:50

2 | A I think I was just too upset to talk, I 09:50

3 | don't remember. 09:50

4 Q Were you with him at any time between the 09:50

5 | time in the fort and the time that you spoke to the 09:50

6	police officer?	09:50
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7 | A I don't remember, I don't remember how I 09:50

8 got up the hill. I don't remember that part. I 09:50

9 just remember that he was done surfing, I remember 09:50

10 him paddling in, and I remember at some point after 09:50

11 that Jalian paddled out and left and I felt like it 09:51

12 was safe to go back up the hill. Whether Jordan was 09:51

13 with me or not as I was going up the hill, I don't 09:51

14	remember.	09:51
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15	Q	Do you have any recollection of Jordan	09:51
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16 saying, Hey, what's wrong, you seem upset, or 09:51

17 anything like that? 09:51

18	A	No, I don't remember that part	09:51
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19 | unfortunately. 09:51

20	Q	When you found the officer, was it just	09:51
----	---	---	-------

21 one officer in a police car, was it a police car? 09:51

22	A	Yeah, from what I remember it was a just	09:51
----	---	--	-------

23 one officer in the car, but I don't know, there may 09:51

24 have been two, but I remember -- my memory right now 09:51

25 is speaking to one officer. 09:51

1 So yes, all I can ask you is what you do 09:53
2 remember. I can't ask you to tell me what you don't 09:53
3 remember. So tell me what you do remember telling 09:53
4 the officer in that conversation. 09:53

5 A Okay. I remember -- you know, again, it's 09:53
6 hard for me because I don't remember the 09:53
7 conversation with the officer word-for-word at this 09:53
8 time. I can tell you what I remember at this time 09:53
9 from the event. 09:53

10 Q As opposed to telling me what you remember 09:53
11 about the conversation? 09:53

12 A Well, I mean, I do remember telling him 09:53
13 about the two individuals whose names I didn't know 09:53
14 at the time. 09:53

15 Q What did you tell him about the two 09:53
16 individuals? 09:53

17 A I know that I described them entering the 09:53
18 fort and I described them spraying the beer on my 09:54
19 arm and my camera and attempting to, you know, 09:54
20 intimidate me and destroy the camera and attempting 09:54
21 to harass me, being intimidating, you know, 09:54
22 basically the stuff that's written in the complaint. 09:54

23 I know that they asked for descriptions so 09:54
24 I remember providing them with descriptions to the 09:54
25 best of my knowledge. Time frames I think they 09:54

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1 asked me, which I gave them. And yeah, I don't 09:54

2 know, I tried to describe the incident as best as I 09:54

3 could, I was extremely shaken up and upset, so. 09:55

4 Q When you say you told them that you were 09:55

5 harassed, did you say you were harassed or did you 09:55

6 describe any harassment? 09:55

7 A Yeah, I described the specific events that 09:55

8 made me believe that I was harassed. 09:55

9 Q You told me that you described -- their 09:55

10 entering into the fort, spraying beer on your arm 09:55

11 and your camera, attempting to intimidate you. 09:55

12 What did you say about how they attempted 09:55

13 to intimidate you? 09:55

14 A I don't remember, again, specifically what 09:55

15 I told the policeman at this time. I remember them 09:55

16 trying to intimidate me by holding the camera right 09:55

17 up to my face, you know, two feet from my face and, 09:55

18 you know, chugging beer and throwing it on the 09:55

19 ground, yelling, moaning, saying sexual comments; I 09:55

20 mean, there was a bunch of behavior that happened 09:56

21 there that was pretty disturbing to me. 09:56

22 Q Is it correct, though, you're not certain 09:56

23 whether you told the police officers any of that 09:56

24 specifically right now, that right now you don't 09:56

25 recollect that? 09:56

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1 MR. FRANKLIN: Misstates prior testimony. 09:56
2 THE WITNESS: I know that I described the 09:56
3 event as best that I could at the time to the 09:56
4 police. 09:56
5 BY MS. HEWITT: 09:56
6 Q Okay. Is that the extent of your 09:56
7 recollection of that conversation with the police? 09:56
8 MR. FRANKLIN: Asked and answered. 09:56
9 THE WITNESS: At this time, yes. 09:56
10 BY MS. HEWITT: 09:56
11 Q Is there anything that you think that 09:56
12 you'd be able to do that would refresh my memory at 09:56
13 all? 09:56
14 A I mean, I think if I wasn't dealing with 09:56
15 nine months of pregnancy and not being able to 09:56
16 remember anything and not sleeping and not dealing 09:56
17 with depression, I think I could remember a lot 09:56
18 more. 09:56
19 Q Okay. And I understand -- 09:56
20 A So I mean, it's just -- it's tough. 09:57
21 Q I understand. This is my only opportunity 09:57
22 to ask you what happened in that conversation so I'm 09:57
23 sure you understand that as well. 09:57
24 A Yeah, I'm doing my best but it's just I -- 09:57
25 I can barely remember to bring a snack and water 09:57

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1 bottle and tie my shoes, so it's not easy. 09:57

2 Q Let's move on to Paragraph 27 for now, 09:57

3 maybe we'll circle back to that. Paragraph 27 says, 09:57

4 "Palos Verdes Estates initially attempted to 09:57

5 investigate the incident"; do you see that? 09:57

6 A Yes. 09:57

7 Q If we skip down to Line 18 it says, "The 09:57

8 Palos Verdes Estates police officer then offered to 09:57

9 allow Reed to identify the other men from photos 09:57

10 that the police kept on all members of Lunada Bay 09:57

11 Boys. But ultimately Palos Verdes Estates police 09:57

12 showed no interest or ability in following up on 09:57

13 Reed's complaint"; do you see that? 09:57

14 A Yes. 09:57

15 Q That's not true, is it? 09:57

16 MR. FRANKLIN: Argumentative. 09:57

17 THE WITNESS: Why do you say that? 09:57

18 BY MS. HEWITT: 09:57

19 Q Did you eventually have an opportunity to 09:57

20 review a photo lineup? 09:58

21 MR. FRANKLIN: Lacks foundation. 09:58

22 THE WITNESS: Yes, but that's not what is 09:58

23 written here. 09:58

24 BY MS. HEWITT: 09:58

25 Q That ultimately they showed no interest or 09:58

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1 ability in following up on Reed's complaint. At the 09:58
2 time of this complaint, had you seen a photo lineup 09:58
3 yet? 09:58

4 A I don't know at what point I saw the photo 09:58
5 lineup. But I think this is referring to a book 09:58
6 that they told me about. They told me that they 09:58
7 know all the people that frequent the area, this is 09:58
8 what the policeman told me that I was speaking to 09:58
9 when I filed the report. 09:58

10 Q Okay. So you have a specific recollection 09:58
11 of that; right? 09:58

12 A Yes, I do, of the book. 09:58

13 Q That specific conversation, tell me 09:58
14 everything you remember with specificity just like 09:58
15 you gave me right now. 09:58

16 A I remember -- the problem was I didn't 09:58
17 know the names of the individuals that did this to 09:58
18 me, and so I had to describe them. And I was upset 09:58
19 that they were filming me and, you know, in the heat 09:58
20 of the moment in the fear that I was in, I wasn't 09:59
21 thinking straight but I should have pulled out my 09:59
22 phone or something and taken a photo of them so they 09:59
23 could identify them. 09:59

24 But anyway, so I couldn't identify them, 09:59
25 and the policeman that I was speaking to -- and I 09:59

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1 don't know if this was the same one that I wrote the 09:59
2 report with or not because I don't know if -- there 09:59
3 was more than one -- but if there was just one, then 09:59
4 it was the same one. 09:59

5 He told me that they have photos of all 09:59
6 the individuals that frequent Lunada Bay, that they 09:59
7 have a book of photos and that it won't be a problem 09:59
8 to identify the individuals because they know the 09:59
9 people that frequent the area. 09:59

10 Q Okay. At some point, were you -- did you 09:59
11 feel like you were not given the opportunity to try 09:59
12 to identify the individuals from any photos that the 09:59
13 PVE Police Department may have had? 10:00

14 A I do feel like that because he had made me 10:00
15 feel that it would be very simple to do because 10:00
16 there was a book that I could look through, and he 10:00
17 made me feel that it would be easy to find a photo 10:00
18 of this individual. 10:00

19 Q What did he say specifically that made you 10:00
20 feel that it would be simple? 10:00

21 A He seemed very assuring that they knew 10:00
22 pretty much everyone that frequents the area or 10:00
23 surfs down there. And he seemed assuring that it 10:00
24 would be simple to look through this book and 10:00
25 identify him. 10:00

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1 Q Is that what he told you, or is that what 10:00
2 you felt about the conversation? 10:00
3 A He told me something along those lines, 10:00
4 but I don't remember his specific wording. 10:00
5 Q When was this conversation? 10:00
6 A This conversation was after the incident 10:01
7 on February 13th. 10:01
8 Q When you say "after," do you mean it 10:01
9 happened on February 13th but after the incident or 10:01
10 some other day? 10:01
11 A It happened on February 13th after the 10:01
12 incident after I had walked up to the top of the 10:01
13 bluff. 10:01
14 Q Okay. All right. So this is -- is your 10:01
15 memory being jogged now as you're remembering 10:01
16 additional things about the conversation? 10:01
17 A Well, you had asked me previously what I 10:01
18 had told him about the incident. 10:01
19 Q True, good point. 10:01
20 A So, I mean, this is a separate memory for 10:01
21 me. 10:01
22 Q Good point. 10:01
23 So if there's anything else that you 10:01
24 discussed with the police officer, I'd appreciate it 10:01
25 if you can tell me that so we'll go through the 10:01

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1 photo part here. 10:01

2 Tell me any memories you have of anything 10:01

3 specific that the police officer told you about the 10:01

4 photos. 10:01

5 MR. FRANKLIN: Vague and ambiguous. 10:01

6 THE WITNESS: I think that he told me that 10:01

7 they're driver's license photos from what I recall, 10:02

8 or some kind of mug shot. And that there's a book 10:02

9 with photos of the individuals that surf down there 10:02

10 and frequent the area. 10:02

11 And, you know, he also told me that they 10:02

12 know a lot of them if not most of them, and so that 10:02

13 it wouldn't be hard to find out who this person is. 10:02

14 So the fact that I didn't take a photo of them or 10:02

15 have any way to show a photo of the face that that 10:02

16 wasn't a problem because I would be able to identify 10:02

17 them in an easy way because they had this 10:02

18 information available. 10:02

19 BY MS. HEWITT: 10:02

20 Q So he said that to you, that it was no 10:02

21 problem that you hadn't taken a photo because it 10:02

22 would be easy to identify them? 10:02

23 A He didn't say that word-for-word, but that 10:02

24 is the, you know -- that's what he expressed to me. 10:02

25 Q Okay. All right. So in the conversation 10:03

1 to try to reach the detectives so I could schedule a 10:15
2 time to come in and identify the suspect. 10:15
3 BY MS. HEWITT: 10:15
4 Q Okay. So you called to try and reach a 10:15
5 detective, did you leave a message? 10:15
6 A I don't know. I may have left a message. 10:15
7 Q You're not sure? 10:15
8 A I'm not sure. 10:15
9 Q Which detective were you trying to reach? 10:15
10 A Detective Venegas. 10:15
11 Q When was the next time you tried to 10:15
12 contact the police? 10:15
13 A Well, I don't think I gave you an exact 10:15
14 date for that one because I don't remember the exact 10:15
15 date. 10:15
16 Q I know, I agree. When was -- regardless 10:15
17 of when the date of that was when you called and 10:16
18 maybe left a message, maybe not; the next time after 10:16
19 that, what was the next time? 10:16
20 A I don't remember, I just remember I called 10:16
21 them a few times but I don't remember the exact 10:16
22 dates, exact time frame. 10:16
23 Q Okay. Do you remember if you left a 10:16
24 message during any of those subsequent times? 10:16
25 A I don't, no. 10:16

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1 Q When you would call to try to get ahold of 10:17
2 Detective Venegas, what would you say to the person 10:17
3 who answered the phone? 10:17

4 A I don't remember specifically what I would 10:18
5 say at this time, but I would assume that I asked 10:18
6 for him or I would explain, you know, that I'm 10:18
7 trying to reach someone to help me identify the 10:18
8 suspects related to the incident. 10:18

9 Q At some point -- so let's make sure we get 10:18
10 all these there. 10:18

11 If you were to give me an estimate of how 10:18
12 many times you called the department between 10:18
13 February 13th and the time you came in for the 10:18
14 lineup, what would that be? 10:18

15 A Well, I probably called maybe three times, 10:18
16 and, you know, I remember then eventually I 10:18
17 proceeded to retain my attorneys because I felt like 10:18
18 that was the only course of action I could take 10:18
19 because the police weren't helping me. 10:18

20 Q That's why you retained your attorneys? 10:18

21 A That was one of the reasons why. 10:18

22 Q When you say that you felt that was the 10:18
23 only course of action that you could take, what do 10:18
24 you mean by that? 10:18

25 A That that was the only way that I could 10:18

1 it was for TV, I don't remember what channel it was 10:47

2 for, though. 10:47

3 Q Okay. 10:47

4 A But I remember there were two separate 10:47

5 reporters that were working together as a team to do 10:47

6 like two different stories. 10:47

7 Q Okay. 10:47

8 A And they were like both recording me at 10:47

9 the same time. So I remember that. 10:47

10 I remember that some members of the 10:47

11 Bay Boys came out as well and they were recording me 10:48

12 with their cameras, and that was uncomfortable. 10:48

13 Q How many times have you been back to -- 10:48

14 how many times have you attempted to surf at 10:48

15 Lunada Bay since February 13th? 10:48

16 A I have not attempted to surf at Lunada Bay 10:48

17 since then because of my injury, I broke my arm 10:48

18 snowboarding so I didn't have that opportunity. 10:48

19 Q Have you attempted to engage in any other 10:48

20 water sports at Lunada Bay since February 13th? 10:48

21 A No, I have not. 10:48

22 Q Have you gone to Lunada Bay to try to take 10:48

23 pictures since February 13th? 10:48

24 A Yes, I have. 10:48

25 Q Okay. How many times? 10:48

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1 A I don't remember how many times. I'm sure 10:48
2 more than twice. But I would have to think about it 10:49
3 a little bit more. I don't remember the exact 10:49
4 amount of time. 10:49

5 Q Those times that you were taking 10:49
6 photographs, were you harassed or intimidated? 10:49

7 A Yeah, unfortunately, I was harassed every 10:49
8 time I was there. 10:49

9 Q What was the day of the first time you 10:49
10 went back to take photographs after February 13th? 10:49

11 A Well, like I said, I don't remember 10:49
12 specifically how many times I've been back, so it 10:49
13 would be hard for me to give you a date as of the 10:49
14 first time since the 13th, I don't know if there's 10:49
15 anything I could do to refresh my memory, but... 10:49

16 Q Let's just break it down. I think you 10:49
17 told me that you've been back twice to take 10:49
18 photographs, so let's just take one -- 10:49

19 MR. FRANKLIN: Misstates prior testimony. 10:49

20 THE WITNESS: Yeah, at least twice. 10:49

21 BY MS. HEWITT: 10:49

22 Q At least twice, okay. At least twice, 10:49
23 that's what you told me, at least twice. 10:49

24 Let's look at the first one. The first 10:49
25 one that you remember when you went back to take 10:49

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1 BY MS. HEWITT: 10:56

2 Q So just focusing on instances when you 10:56
3 went back to take photographs after February 13th, 10:56
4 what harassment or intimidation did you experience? 10:57

5 A Sure. 10:57

6 I remember being constantly photographed 10:57
7 and recorded on cameras. I remember instances, you 10:57
8 know, of people on the bluff doing that. I remember 10:57
9 walking down the trail and people telling me that I 10:57
10 shouldn't be there, and that I should leave and, Oh, 10:57
11 no, you're coming here again, no one wants you here, 10:57
12 what are you doing here. And, you know, I tell 10:57
13 them, well, it's beautiful, public beach, and I'm 10:57
14 allowed to be here. 10:57

15 They would say offensive things to me. 10:57
16 They would, you know, call me a bitch, and they 10:57
17 would say stuff to me after I had passed -- if I was 10:57
18 with a friend, then they would, you know, say 10:57
19 insults about me to my friend. 10:58

20 They -- yeah, they kept basically telling 10:58
21 me that I shouldn't be there and that I'm not 10:58
22 welcome. And I also remember talking to Charlie a 10:58
23 few times and he approached me. I feel like maybe 10:58
24 he felt bad that he didn't do anything regarding the 10:58
25 beer incident to help, so maybe it was his way of 10:58

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1 saying sorry to kind of try to talk to me and 10:58
2 explain who the Bay Boys are and how they work 10:58
3 and -- I don't know, so I've had various discussions 10:58
4 with him. I had discussions with people in the fort 10:58
5 and, you know, I also unfortunately experienced 10:59
6 harassment in the way that I was told I'm not 10:59
7 welcomed there. 10:59

8 Q All right. During any of these incidents, 10:59
9 were you ever alone? 10:59

10 A I don't know. I don't recall ever being 10:59
11 completely alone. I think I always brought someone 10:59
12 with me. 10:59

13 Q Did Jordan ever go with you during any of 10:59
14 these instances? 10:59

15 A The only time Jordan went with me was when 10:59
16 he was surfing and I don't remember if he surfed 10:59
17 since February 13th. If he did, then he would have 10:59
18 been there. 10:59

19 Q Do you have a recollection of you 10:59
20 experiencing harassment while Jordan was out 10:59
21 surfing? 10:59

22 MR. FRANKLIN: Vague and ambiguous. 10:59

23 BY MS. HEWITT: 10:59

24 Q Since February 13th? 10:59

25 A Right, since February 13th, I don't have a 10:59

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1 Q Okay. So since the complaint was filed 11:06
2 you have not been back to Lunada Bay except with 11:06
3 reporters or media? 11:06

4 A Hmm-mm. 11:06

5 Q Yes? 11:06

6 A Yes, yes, hmm-mm. 11:06

7 Q All right. With the instances of 11:06
8 harassment or intimidation that you described to me 11:06
9 that occurred since February 13th when you went to 11:06
10 Lunada Bay, did you report any of that to the 11:07
11 police? 11:07

12 A I don't know, I don't remember. I may 11:07
13 have told them, you know, the people were harassing 11:07
14 me on my way down there. 11:07

15 Q Do you have a recollection right now of 11:07
16 contacting the police and telling them about those 11:07
17 instances we just discussed? 11:07

18 A I don't have that recollection right now. 11:07

19 Q Have you been to Lunada Bay since 11:07
20 February 13th at any time and not experienced any 11:07
21 physical or verbal harassment? 11:07

22 A Not that I can remember. 11:07

23 Q So each time you've been back since -- 11:07

24 A Well, I take that back because there was a 11:07
25 time with reporters that I believe that we weren't 11:07

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1 harassed because I don't think anyone was out -- I 11:07
2 think that was with -- I'm remembering now -- I 11:07
3 think that was when we were doing a radio interview, 11:07
4 I believe, with NPR, NPR or one of those stations. 11:07
5 I think that by that point there were no, 11:07
6 you know, there were no locals out so I don't think 11:08
7 anyone harassed us then. 11:08
8 Q Was that the only instance that you can 11:08
9 remember when you were not harassed since 11:08
10 February 13th when you were at Lunada Bay? 11:08
11 A This time, yes. 11:08
12 Q Have you seen any communications between 11:08
13 Cory Spencer and the City in which Spencer thanks 11:08
14 Chief Kepley for what Chief Kepley has done to help 11:08
15 out the situation at Lunada Bay? 11:08
16 MR. FRANKLIN: Vague and ambiguous. 11:08
17 THE WITNESS: I have not seen that, no. 11:08
18 BY MS. HEWITT: 11:08
19 Q Have you seen any communications in which 11:08
20 Cory Spencer thanks Chief Kepley for providing extra 11:08
21 patrols whenever Spencer had asked for them? 11:08
22 MR. FRANKLIN: Vague and ambiguous. 11:08
23 THE WITNESS: I don't remember him showing 11:08
24 me any kind of communication. 11:08
25 ///

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1	A	Not that I know of, no.	13:48
2		THE VIDEOGRAPHER: 15 minutes.	13:48
3		MR. CAREY: I'll move quick.	13:48
4		BY MR. CAREY:	13:48
5	Q	And how about any communication with	13:48
6		Chris Taloa as to why you should go to Lunada Bay on	13:48
7		February 13th?	13:48
8	A	I don't think I had any direct	13:48
9		communication with him at that point.	13:48
10	Q	"Him" meaning Chris Taloa?	13:48
11	A	Yes.	13:48
12	Q	Okay. Now, the -- we've questioned you a	13:48
13		lot -- or they've questioned you a lot about the	13:48
14		exact details, I'm not going to go through that all	13:48
15		over again in the interest of time. I do want to	13:48
16		ask about you some specifics.	13:48
17	A	Okay.	13:48
18	Q	You just stated at the end of your	13:48
19		questioning with prior counsel for the first time	13:48
20		that my client exposed himself to you during that	13:48
21		incident. Describe exactly what happened.	13:48
22	A	It's hard for me to remember all the	13:48
23		details but what I do remember is that while he had	13:48
24		a towel on himself there was a moment when it seemed	13:48
25		that he intentionally exposed his penis to me while	13:49

THE VIDEOGRAPHER: 15 minutes. 13:48

MR. CAREY: I'll move quick. 13:48

BY MR. CAREY: 13:48

Q And how about any communication with 13:48

Chris Taloa as to why you should go to Lunada Bay on 13:48

February 13th? 13:48

A I don't think I had any direct 13:48

communication with him at that point. 13:48

10	Q	"Him" meaning Chris Taloa?	13:48
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11	A	Yes.	13:48
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12 Q Okay. Now, the -- we've questioned you a 13:48

13 lot -- or they've questioned you a lot about the 13:48

14 exact details, I'm not going to go through that all 13:48

15 over again in the interest of time. I do want to 13:48

16 ask about you some specifics. 13:48

17	A	Okay.	13:48
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18 Q You just stated at the end of your 13:48

19 questioning with prior counsel for the first time 13:48

20 that my client exposed himself to you during that 13:48

21	incident. Describe exactly what happened.	13:48
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22	A	It's hard for me to remember all the	13:48
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23 details but what I do remember is that while he had 13:48

24 a towel on himself there was a moment when it seemed 13:48

25 that he intentionally exposed his penis to me while 13:49

1 he was changing. 13:49

2 Q So he was changing into his wetsuit? 13:49

3 A He was in the process of doing that. 13:49

4 Q And he had a towel around his waist? 13:49

5 A I believe so; yes. 13:49

6 Q Have you changed in a wetsuit on a beach 13:49

7 before? 13:49

8 A I've changed many times. 13:49

9 Q What's the purpose of putting a towel 13:49

10 around you on the beach while changing into your 13:49

11 wetsuit? 13:49

12 A To cover yourself up. 13:49

13 Q The -- you said you believe that he 13:49

14 intentionally flashed himself at you -- I'm sorry I 13:49

15 used the word "flash" but you didn't use that word, 13:49

16 but can you describe exactly what you saw? 13:49

17 A I mean, I remember -- I think he was 13:49

18 facing me which is odd because usually when people 13:49

19 change in their wetsuits, they try to face away from 13:49

20 you. And, again, it seemed like it happened very 13:50

21 quickly and combined with, you know, the yelling and 13:50

22 the comments and the moaning, you know, I remember 13:50

23 there was a moment when he seemed like he 13:50

24 purposefully removed his towel in order to expose 13:50

25 himself. 13:50

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1 Q So he completely removed his towel is your 13:50
2 testimony? 13:50

3 A No, I'm not saying that. 13:50

4 Q Okay. So what specifically did he do to 13:50
5 expose himself if you can describe his action; 13:50
6 meaning, did he open the towel briefly and then 13:50
7 close it, what exactly happened? 13:50

8 A It's hard for me to remember but I do 13:50
9 remember, you know, his towel being open in a way 13:50
10 where I could see what was underneath. 13:50

11 Q In your experience, is that an unusual 13:50
12 occurrence for someone to be partially exposed while 13:50
13 changing into their wetsuit prior to surfing? 13:50

14 MR. FRANKLIN: Misstates testimony. 13:51

15 THE WITNESS: It's unusual for someone to 13:51
16 expose their penis while they're changing into a 13:51
17 wetsuit by opening their towel, yes. 13:51

18 BY MR. CAREY: 13:51

19 Q So you are saying that he opened his towel 13:51
20 to flash himself at you? 13:51

21 A There was a moment of time where his towel 13:51
22 appeared to be open and that's when I saw what I 13:51
23 saw. 13:51

24 Q The -- I want to ask you about the police 13:51
25 report. 13:51

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1 video, but I think forgot to just mark what you gave 14:04
2 to us. 14:04

3 Can I just mark it as Exhibit -- whatever 14:04
4 is next in order, that and the flash drive. 14:04

5 (Deposition Exhibit 53, documents and
6 flash drive, was marked for
7 identification.)

8
9 (Whereupon the deposition was concluded at
10 2:04 p.m.)

11
12 (DECLARATION UNDER PENALTY OF PERJURY ON
13 THE FOLLOWING PAGE HEREOF.)

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I, DIANA MILENA REED, do solemnly declare
under penalty of perjury that the foregoing is my
deposition under oath; that these are the questions
asked of me and my answers thereto; that I have read
same and have made the necessary corrections,
additions, or changes to my answers that I deem
necessary.

It witness thereof, I hereby subscribe my
name this day of _____, 2016.

WITNESS SIGNATURE

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Certification of Court Reporter

Federal Jurat

I, the undersigned, a Certified Shorthand Reporter of the State of California do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

That before completion of the deposition, a review of the transcript [x] was [] was not requested. I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: November 7, 2016

A handwritten signature in black ink, appearing to read 'JR', with a long horizontal stroke extending to the right.

Jimmy Rodriguez, RPR

Certificate Number 13464